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In re Patent of	:	OFFICE OF PETITIONS
Freeman, et al.	:	
Patent No. 6,723,705	:	
Issue Date: April 20, 2004	:	Decision on Petition
Application No. 09/206,132	:	
Filing Date: December 7, 1998	:	
Attorney Docket No. RPI-008CPDV	:	

This is a decision on the petition under 37 CFR § 1.183, filed December 3, 2004, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition will be treated as a request under 37 CFR 3.81(b) to accept the correction of the assignee data.

The request under 37 CFR 3.81(b) is dismissed.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

- (1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
- (2) the assignment was submitted for recordation prior to issuance of the patent, and
- (3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

Petitioner has not met the requirements set forth above because petitioner has not submitted a

request for certificate of correction. Therefore, the request is **dismissed**.

Regarding finances, the processing fee set forth in 37 CFR 1.17(i) is \$130.00. Petitioner's deposit account was charged \$400.00. This leaves a balance of \$270.00. However, a \$100.00 certificate of correction fee is due and will be retained by the Office. Therefore, deposit account no. 12-0080 will be credited \$170.00.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
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By hand: U.S. Patent and Trademark Office
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Randolph Building
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Alexandria, VA 22314

By FAX: (703) 872-9306 – ATTN: Office of Petitions

The file is being forwarded to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Petitions Attorney
Office of Petitions